

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 20, 2006

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and S. Stahl, Deputy Clerk.

Each of the following:

B183873	People v. Juarez
B185427	County of L.A. v. Ranger Insurance
B186145	People v. Richards
B186622	People v. Mvuemba
B186721	Fernandez v. Esparza
B186913	People v. McCoy, Gray
B187715	People v. Washington
B188514	People v. Manuel T.
B189995	DCFS v. Carl S.
B190166	DCFS v. Bertha C.
B190245	People v. Powell
B190389	DCFS v. Irma V.
B191408	DCFS v. Della L.

Argument waived, cause submitted.

B190204	People
	v.
	Sharif

Merits:

Argued by Walter L. Gordon for appellant and respondent waived oral argument. Cause submitted.

DIVISION ONE (Continued)

B186381 Complete Building Maintenance

v.

Dudley II, et al.

Merits:

Argued by Hall R. Marston for respondents. Appellant waived oral argument. Cause submitted.

B186182 People

v.

Arturo J.

Merits:

Argued by Timothy Weiner, Deputy Attorney General, for respondent. No appearance for appellant. Cause submitted.

Vogel, J., leaves the bench.

B188093 People

v.

J. H.

Merits:

Argued by Jennifer C. McDonald, Deputy District Attorney, for appellant. No appearance for respondent. Cause submitted.

B183252 People

v.

Ortiz et al.

Merits:

Argued by David D. Carico for appellant Coreas, by Edward J. Haggerty for appellant Ortiz and by Kyle Broadie, Deputy Attorney General, for respondent. Appellant Torres waived oral argument. Cause submitted.

DIVISION ONE (Continued)

Vogel, J., returns to the bench.

B193165 Lehman et al.
 v.
 Superior Court, Los Angeles County
 (Zamora, r.p.i.)

Merits:

Argued by Frank D. Hobbs for petitioners and by Claudia J. Serviss for real party in interest. Cause submitted.

B187821 Los Angeles County, D.C.S.
 v.
 Michael G. et al.

Merits:

Argued by appellant Michael G., in propria persona, and by William D. Thetford, Deputy County Counsel for respondent. Appellant Meta M. waived oral argument. Cause submitted.

Jackson, J. (Assigned), leaves the bench.

B193351 Stern
 v.
 Superior Court, Los Angeles County
 (Getzels et al., r.p.i.)

Merits:

Argued by Jeffrey Harrison for petitioner and by Lyle R. Mink for real parties in interest. Cause submitted.

Jackson, J. (Assigned), returned to the bench.

DIVISION ONE (Continued)

B183504 Indian Ridge Crest Gardens
 v.
 City of Rancho Palos Verdes et al.

Merits:

Argued by Marina Manoukian for appellant and by Andrew J. Thomas for respondents. Cause submitted.

Vogel, J., and Jackson, J. (Assigned), leave the bench.

Spencer, P.J., takes the bench.

B185429 Dubin, Sr.
 v.
 Galvez et al.

Merits:

Argued by William C. Saacke for appellants and by Glenn F. Beckett for respondent. Cause submitted.

Court adjourned.

B190389 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Irma V.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (Continued)

B191408 Los Angeles County, D.C.S. (Not for Publication)
v.
Della L.

The May 8, 2006 order denying Della L.'s petition for modification is affirmed. The May 8, 2006 order terminating parental rights to Alexis S., Serena S., and Jacob S. is reversed and the matter is remanded to the juvenile court with directions to conduct further proceedings as are necessary to establish full compliance with the notice requirements of the Indian Child Welfare Act (ICWA). After proper notice as required by the ICWA, if no tribe indicates that the children fall within the ICWA, the court immediately shall reinstate the order terminating parental rights. If an Indian tribe determines that the children are Indian children within the meaning of the ICWA, the court shall proceed accordingly.

Mallano, Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

B186182 People (Not for Publication)
v.
Arturo J.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (Continued)

B186913 People (Not for Publication)

V.

Aaron McCoy et al.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B188514 People (Not for Publication)

V.

Manuel T.

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

B183873 People (Not for Publication)

V.

Rigoberto Juarez

The trial court is ordered to correct the abstract of judgment by striking the 15 year gang enhancements on counts 2, 3, and 4. The judgment is affirmed.

Mallano, Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

DIVISION TWO

B185814 Hotels Nevada, et al.
v.
L.A. Pacific Center, Inc.

Filed order denying petition for rehearing.

DIVISION THREE

B189061 People (Not for Publication)
v.
Wilbert Smith, Jr.

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B187656 Rubin (Not for Publication)
v.
Mateus, et al.

The order denying Rubin's motion to compel arbitration is affirmed. Respondents shall recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B188557 Greer (Not for Publication)

v.
Griffin, et al.

The judgment is affirmed. Greer shall recover his costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B183641 Monroe (Not for Publication)

v.
Zadekina-Beaver, et al.

The judgment is affirmed. Appellants to bear costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B190216 People (Not for Publication)

v.
Willie Shack

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B185934 People (Not for Publication)

V.

Herbert M. Bellinger

The judgment is reversed, and the matter is remanded for a new trial.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FIVE

B193689 Kathy M. (Not for Publication)

V.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is denied.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SIX

B188607 Domino's Pizza, et al.

V.

Worker's Compensation Appeals Board

Filed order certifying opinion for publication.

DIVISION SIX (Continued)

B187549 People v. Tejada (Not for Publication)

The appeal is dismissed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B185392 Righetti et al., (Not for Publication)
v.
Righetti et al.,

The judgment is affirmed. Costs to respondents.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B186922 People (Not for Publication)
v.
Jeter

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B190713 Los Angeles County, D.C.S. (Not for Publication)
v.
Aqueela W.,

The order terminating mother's parental rights is reversed and the matter is remanded to the juvenile court with directions to order the Department to comply with the notice provisions of ICWA and to file all required documentation with the juvenile court for the court's inspection. If, after proper notice, a tribe claims that one of the children is an Indian child, and seeks to intervene in the juvenile court proceedings, the juvenile court shall vacate its prior orders and conduct all proceedings in accordance with ICWA, section 360.6 and rule 1439 of the California Rules of Court. If, on the other hand, no tribe claims the children are Indian, or if no tribe seeks to intervene, the order terminating mother's parental rights shall be reinstated.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B187299 Taylor (Certified for Publication)
v.
City of Los Angeles Dept. of Water & Power et al.,

The judgment is reversed. Plaintiff shall recover his costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B182990 Holbrook et al., (Certified for Partial Publication)
 v.
 City of Santa Monica

The judgment is affirmed. The City of Santa Monica shall recover its costs, if any.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

B179482 Cypress Grove Villas Homeowners Assoc. (Not for Publication)
 v.
 Hennon Surveying and Mapping, Inc.,

The order granting the motion for new trial is affirmed. Respondent is entitled to recover its costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B183236 People (Not for Publication)
 v.
 Barrios

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B183871 People v. Williams (Not for Publication)

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B184281 Valdez (Certified for Publication)
v.
Himmelfarb et al.,

The judgment is reversed. Appellant(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B185506 Geddes (Not for Publication)
v.
Campbell et al.,

The judgment is reversed. Appellant(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

November 20, 2006 (Continued)

DIVISION SEVEN (Continued)

B186998 Schneider (Not for Publication)

V.

Wachovia Securities, Inc., et al.,

The judgment for defendant Bouchard is affirmed. The judgment for defendant Wachovia Securities is reversed. Bouchard is awarded his cost on appeal from Schneider and Schneider is awarded his costs on appeal from Wachovia.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.